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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

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COMMODITY FUTURES TRADING  
COMMISSION, and

STATE OF UTAH DIVISION OF  
SECURITIES, through Attorney General  
Sean D. Reyes

Plaintiffs,  
v.

RUST RARE COIN INC., a Utah corporation,  
and GAYLEN DEAN RUST, an individual,  
DENISE GUNDERSON RUST, an individual,  
JOSHUA DANIEL RUST, an individual

Defendants;

and

ALEESHA RUST FRANKLIN, an individual,  
R LEGACY RACING INC, a Utah  
corporation, R LEGACY ENTERTAINMENT  
LLC, a Utah limited liability company, and R  
LEGACY INVESTMENTS LLC, a Utah  
limited liability company.

Relief Defendants.

**MOTION TO APPROVE SALE OF THE  
WRITER'S DEN, LLC**

Case No. 2:18-cv-892

Judge Tena Campbell

Magistrate Judge Dustin B. Pead

Jonathan O. Hafen, the Court-Appointed Receiver (the “Receiver”) for the assets of Rust Rare Coin Inc. (“RRC”), Gaylen Dean Rust, Denise Gunderson Rust, Joshua Daniel Rust, Aleesha Rust Franklin, R Legacy Racing Inc., R Legacy Entertainment LLC, and R Legacy Investments LLC (collectively, the “Receivership Defendants”), respectfully requests authority from the Court to sell certain assets of the Receivership Defendants, as described below.

On November 27, 2018, the Court entered an Order Appointing Receiver and Staying Litigation (the “Order”). *See* ECF No. 54. Pursuant to paragraph 18 of the Order, the Receiver was authorized to take immediate possession of all non-exempt personal property of the Receivership Defendants. *Id.* ¶ 18. Paragraph 36 of the Order authorized the Receiver to “transfer, compromise, or otherwise dispose of any nonexempt Receivership Property, other than real estate, in the ordinary course of business, on terms and in the manner the Receiver deems most beneficial to the Receivership Estate.” *Id.* ¶ 36. Through this Motion and in an abundance of caution, the Receiver respectfully requests permission to sell the assets of The Writer’s Den, LLC (“Writer’s Den”) to Robert N. Rymer (“Rymer”), as described below.

### **I. Sale of Writer’s Den**

Writer’s Den is a publishing and music company in Nashville, Tennessee, that was formed by Gaylen and Denise Rust on or about May 16, 2016. To determine the most effective way to sell and/or liquidate Writer’s Den and its assets, the Receiver reached out to various parties, including without limitation Rymer, the former operations manager for Writer’s Den, to learn more about Writer’s Den’s assets and their potential value. During these discussions, the Receiver learned that Rymer and R Legacy Entertainment LLC (“R Legacy”) purportedly entered into a Publishing Venture Agreement (the “Venture Agreement”) on or about September

21, 2012, wherein the parties agreed to form a music publishing company that would be owned by Rymer and R Legacy as 50/50 partners.

To determine whether Writer's Den was the publishing company contemplated under the Venture Agreement and whether Rymer held any ownership interest in Writer's Den, the Receiver located and examined the formation documents filed by Gaylen and Denise Rust in 2016. But according to the "Articles of Organization" and "Operating Agreement" on file with the State of Tennessee, Gaylen and Denise Rust are the sole owners of Writer's Den and each hold a 50% share of the company. No other members or ownership interests are set forth in any of the formation documents known to the Receiver, including such documents filed with the State of Tennessee. The Receiver also attempted to identify whether any ownership interest in Writer's Den was subsequently transferred to Rymer or any other third party. However, the Receiver has not received or identified any documentation indicating that an ownership interest in Writer's Den has been transferred or otherwise sold to any individual or entity since its formation.

Accordingly, in an effort to resolve any potential concerns or disputes regarding Writer's Den's ownership, the Receiver believes that it is in the best interest of the Receivership Estate to settle this matter by selling any and all right, title, and interest in and to Writer's Den to Rymer for \$60,000. A copy of the settlement agreement setting forth this proposed sale is attached hereto as Exhibit A (the "Settlement Agreement"). The terms of this Settlement Agreement were negotiated at arms' length between the Receiver's counsel and Rymer, and the purchase price and settlement conditions are better than any other offers the Receiver has received for this asset. Further, the Receiver's accountants have reviewed this offer and confirmed that \$60,000 is a reasonable purchase price for the sale of Writer's Den.

Accordingly, the Receiver respectfully requests that the Court approve the sale of  
Writer's Den to Rymer. A proposed Order is attached hereto.

DATED this 19th day of June 2019.

**PARR BROWN GEE & LOVELESS**

/s/ Joseph M.R. Covey  
Joseph M.R. Covey  
Cynthia D. Love  
Sarah M. Humphrey  
*Attorneys for Receiver*

**CERTIFICATE OF SERVICE**

IT IS HEREBY CERTIFIED that service of the above **MOTION TO APPROVE SALE OF THE WRITER'S DEN LLC** was (1) electronically filed with the Clerk of the Court through the CM/ECF system on June 19, 2019, which sent notice of the electronic filing to all counsel of record, (2) posted on the Receiver's website (rustrarecoinreceiver.com), and (3) emailed to all those on the Receiver's master mailing matrix.

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*/s/ Joseph M.R. Covey* \_\_\_\_\_